

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD**

**American Federation of Government
Employees, Local 631,**

Complainant,

**District of Columbia Office of
Contracting and Procurement,**

Respondent.

PERB Case No. 02-U-07

**RESPONDENT'S ANSWER TO
UNFAIR LABOR PRACTICE COMPLAINT**

The Respondent, the District of Columbia Office of Contracting and Procurement, ("Agency" or "OCP") by and through its representative, the District of Columbia Office of Labor Relations and Collective Bargaining ("OLRCB"), hereby answers the allegations in the above-referenced Complaint as follows:

1. The Respondent admits the allegations contained in paragraph 1.
2. (a). The Respondent admits that the Agency is located at 441 4th Street, N.W., Washington, D.C. The Respondent denies that the Agency's postal zip code is 20032, but rather 20001.

(b). The Respondent admits that Jacque Abadie is the Chief Procurement Officer and his telephone number is 202-724-4683.

(c). The Respondent denies that it has the authority to negotiate and execute collective bargaining agreements with labor organizations concerning wages and other terms and conditions of employment. The Respondent further states that pursuant to D.C. Code §1-617.01(c), "The Mayor or appropriate personnel authority, including his or her

or its duly designated representative(s), shall meet at reasonable times with exclusive employee representatives to bargain collectively in good faith.” The Mayor’s duly designated representative for the purpose of collective bargaining and execution of such agreements is the OLRCB, which serves as the representative of the agencies under the Mayor’s personnel authority. The OLRCB negotiates collective bargaining agreements for agencies under the personnel authority of the Mayor.

(d). The Respondent denies all other allegations in paragraph 2.

3. (a). The Respondent denies all allegations contained in Paragraph three (3). The Respondent further states that no union, including the Complainant, was certified as the exclusive collective bargaining representative for employees in the Office of Contracting and Procurement.

(b). The Respondent further states that at no time did the Public Employee Relations Board (“PERB”) approve an alternative method for voluntary recognition of a labor organization as the exclusive collective bargaining representative for employees in the Office of Contracting and Procurement based on an alternative method for determining majority status pursuant to D.C. Code §1-617.09(b)(1).

(c). Further, the Respondent states that when the Office of Contracting and Procurement was established, employees from many different agencies represented by approximately seven (7) labor organizations were transferred into the agency.

(d). In preparation for Compensation Unit 1 and 2 negotiations, the OLRCB noticed that although seven (7) labor organizations had represented various employees who had been transferred into the Office of Contracting and Procurement, not one union had previously represented a number sufficient to give that union majority status, not even the

Complainant herein who only contended that it represented seven (7) of the employees transferred into the newly established agency.

(f). On October 18, 2000, the various labor organizations including the Complainant, were notified that recognition was being withdrawn based on the lack of majority status by any of the labor organizations (See Attachment 1). The Complainant did not respond or file a ULP at that time. Further, no PERB certification exists which deems the Complainant the exclusive representative of the employees in question.

(g). The Respondent denies any and all remaining allegations contained herein with regard to the named individuals.

(h). The Respondent admits that the CBU codes of some of its employees were changed from BEZ to QAA. The changes, however, were not made until approximately one (1) year after notification was provided regarding the Complainant's lack of majority status. Any continued union dues deductions, which may have been taken after the withdrawal of recognition, are errors, which are administrative in nature, but cannot be considered evidence of continued union membership. Further, the District acts merely as a conduit for the transfer of dues. The incorrectly deducted dues should properly be returned to the individuals by the Union.

4. The Respondent admits that D.C. Act 12-249, "Chief Procurement Officer Qualification Amendment Act of 1997", (See Attachment 2) was enacted on January 8, 1998. The Respondent also admits that the Act mandated that all District employees located at various agencies who spend the majority of their time on procurement duties be transferred under the authority of Office of Contracting and Procurement along with the assets and budget authority associated with their functions. Even assuming *arguendo*, the employees were not physically transferred, they are nevertheless employed by the OCP,

not by the agency that serves as their worksite. Further, the Act requires the transfer to the OCP, "all employees under its authority along with the assets and budget authority associated with those functions." The Act does not require or mention physical versus administrative transfers. Physical location of an employee has no bearing upon this matter. The Respondent denies any and all remaining allegations contained in Paragraph four (4).

5. The Respondent admits that it filed a Petition for Unit Modification in PERB Case No. 99-UM-03. The Respondent also admits that it sought to have all of the transferred OCP employees removed from their former bargaining units, as well as from Compensation Units 1 and 2 because there existed no known union holding majority status, nor any existing certification of exclusive representation for the employees in question by any union on record with the PERB.
6. The Respondent admits that it withdrew its Petition for Unit Modification. The Respondent denies any and all other allegations contained in Paragraph six (6).
7. The Respondent has no knowledge as to when the employees listed at Paragraph four (4) of this Complaint became aware of a change in CBU Code or of their awareness of their ability to qualify for the negotiated Compensation Units 1 and 2 salary increase and bonus. Further, although those employees did not receive the Compensation Units 1 and 2 bonus and pay raise, because they are not eligible Compensation Units 1 and 2 bargaining unit employees, these employees did in fact receive the non-union bonus and pay raise for FY01 for grades 14 and below. The non-union pay increase for grades 14 and below was the same as the pay raise for Comp Unit 1 and 2 bargaining unit employees for FY01, except the non-union employees received a \$1000 bonus instead of the \$500 bonus for designated for all Comp 1 and 2 bargaining unit employees. The non-

union employees pay increases, if any, have not yet been determined for FY02 and FY03. The Respondent therefore denies the allegation. As previously noted, if the Complainant is still receiving dues from the employees in question, such receipt is in error and is not determinative of union membership. The Respondent denies any and all remaining allegations contained in Paragraph seven (7) and further states that there is no certified exclusive collective bargaining representative for employees in the OCP.

REMEDY

8. As to the prayer for relief contained in paragraphs 1 through 6 under “**Remedy Sort**”, no answer is required as it is merely a prayer for relief. To the extent an answer is required, the Respondent denies all allegations and/or prayers for relief in paragraphs 1 through 6 under “**Remedy Sort**”.

AFFIRMATIVE DEFENSES

First Affirmative Defense - Timeliness

The Complainant has alleged violations of D.C. Code, §1-618.4 (a)(1)(2)(3)(5) by unilaterally withdrawing recognition. The Complainant was put on notice as to the questionability of majority status on October 18, 2000. The Complainant did not file the instant complaint until January 2002. Pursuant to PERB Rule No. 520.4, Unfair labor practice complaints shall be filed no later than 120 days after the date on which the alleged violation occurred. The Complainant failed to comply with the threshold requirement of PERB rule 520.4. The Complaint should therefore be dismissed with prejudice.

Second Affirmative Defense - Standing

The Complainant alleges unlawful, unilateral withdrawal of Union recognition for seven individuals it indicates are employed by the Department of Public Works ("DPW") and Office of Administrative Services ("OAS") and who would resultantly be represented by AFGE, Local 631. The Complainant is simply incorrect as to the Employer of record for the employees at issue. Additionally, no Certification deeming the Complainant, or any other labor organization, as the exclusive collective bargaining representative for the employees in question exists. Since the Complainant is not the certified collective bargaining representative of the individuals in question, the Union has no standing upon which to bring this action.

Pursuant to the D.C. Code, §1-617.10, *Selection of Exclusive Representatives; Election*, "exclusive recognition shall be granted to a labor organization which has been selected by a majority of employees in an appropriate unit who participate in an election, conducted by secret ballot, or by another method in conformity with such rules and regulations as may be prescribed by the Board."

Further, the Complainant could have, pursuant to D.C. Code §1-617.09(b)(1), requested the employer recognize it without an election as the exclusive representative for the purpose of collective bargaining. As a matter of fact, another Union, AFSCME District Council 20, made such a request on December 27, 2001 (See Attachment 3).

Third Affirmative Defense – Question Concerning Representation Exists

As stated, above, in the Second Affirmative Defense – Standing, AFSCME District Council 20 requested on December 27, 2001, that the District of Columbia recognize a group of employees inclusive of the employees at issue in this matter. Since a question concerning representation ("QCR") exists in this matter now and has existed since the creation of the

Agency in question, an unfair labor practice complaint is an improper means to address what is ultimately a representation matter. For this reason, the Complaint should be dismissed, with prejudice.

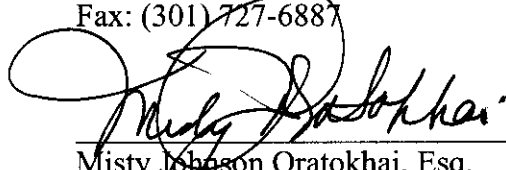
MOTION TO DISMISS

The Respondents hereby move that the Complaint be dismissed in its entirety with prejudice for lack of timeliness, lack of standing, failure to state a claim upon which relief can be granted, a valid question concerning representation and documentary evidence adequately demonstrating the allegations contained therein are false.

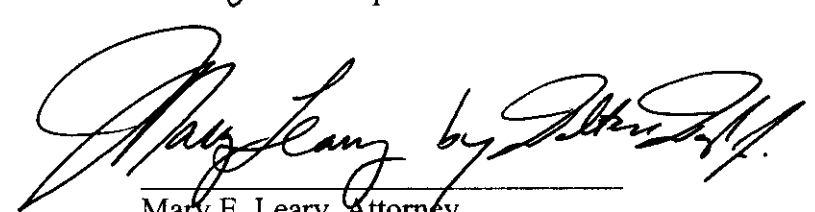
Dated at Washington, D.C. this 7th day of February 2002.

Respectfully submitted,
For Respondents:

District of Columbia Office of Labor
Relations and Collective Bargaining
441 4th Street, N.W.
Washington, D.C. 20001
Tel: (202) 724-4953
Fax: (301) 727-6887



Misty Johnson Oratokhai, Esq.
Labor Relations Specialist



Mary E. Leary, Attorney
Director

00850
④

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF LABOR RELATIONS
AND COLLECTIVE BARGAINING

★ ★ ★
■■■■■
■■■■■

EXECUTIVE OFFICE

October 18, 2000

Walter Jones, President
AFSCME Local 2087
P.O. Box 4863
Washington, DC 20008

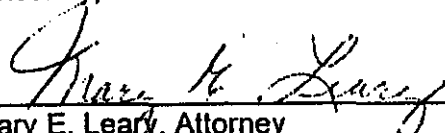
Dear Mr. Jones:

While preparing for collective bargaining negotiations for Compensation Units 1 and 2, we have had the opportunity to review the situation at the Office Of Contracting and Procurement. The only conclusion, which can be drawn, is that not one of the various unions that claim to represent employees at Office of the Contracting and Procurement represent a majority of employees in any appropriate unit.

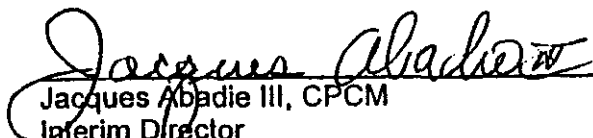
As a result, the District of Columbia hereby withdraws recognition and refuses to bargain with regard to any employees currently employed by the Office of Contracting and Procurement based on a good-faith doubt of majority status. Accordingly the Office of Contracting and Procurement will not be participating in negotiations for Compensation Units 1 and 2.

If you have any questions, please contact Mary E. Leary, Director, Office of Labor Relations and Collective Bargaining at 202-724-4953.

Sincerely,



Mary E. Leary, Attorney
Director
Office of Labor Relations and Collective Bargaining



Jacques Abadie III, CPCM
Interim Director
Office of Contracting and Procurement

Attachment 1

GOVERNMENT OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF LABOR RELATIONS
AND COLLECTIVE BARGAINING



EXECUTIVE OFFICE

October 18, 2000

Mary Harris, President
NAGE R3-05
MPD Regional Operations
Command East
#6 D.C. Village Lane, S.W. #1B
Washington, DC 20032

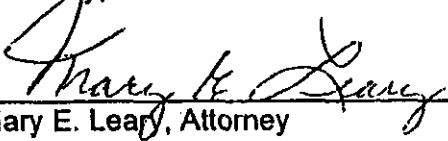
Dear Ms. Harris:

While preparing for collective bargaining negotiations for Compensation Units 1 and 2, we have had the opportunity to review the situation at the Office Of Contracting and Procurement. The only conclusion, which can be drawn, is that not one of the various unions that claim to represent employees at Office of the Contracting and Procurement represent a majority of employees in any appropriate unit.

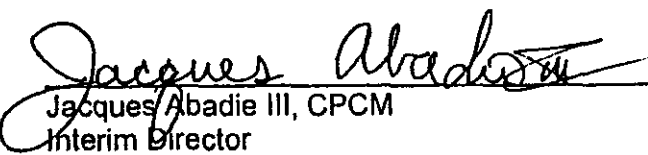
As a result, the District of Columbia hereby withdraws recognition and refuses to bargain with regard to any employees currently employed by the Office of Contracting and Procurement based on a good-faith doubt of majority status. Accordingly the Office of Contracting and Procurement will not be participating in negotiations for Compensation Units 1 and 2.

If you have any questions, please contact Mary E. Leary, Director, Office of Labor Relations and Collective Bargaining at 202-724-4953.

Sincerely,



Mary E. Leary, Attorney
Director
Office of Labor Relations and Collective Bargaining



Jacques Abadie III, CPCM
Interim Director
Office of Contracting and Procurement

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF LABOR RELATIONS
AND COLLECTIVE BARGAINING



EXECUTIVE OFFICE

October 18, 2000

Albert Rowell, President
AFGE Local 3721
6400 Georgia Avenue, N.W.
Suite 8
Washington, DC 20012

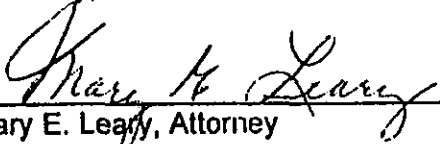
Dear Mr. Rowell:

While preparing for collective bargaining negotiations for Compensation Units 1 and 2, we have had the opportunity to review the situation at the Office Of Contracting and Procurement. The only conclusion, which can be drawn, is that not one of the various unions that claim to represent employees at Office of the Contracting and Procurement represent a majority of employees in any appropriate unit.


As a result, the District of Columbia hereby withdraws recognition and refuses to bargain with regard to any employees currently employed by the Office of Contracting and Procurement based on a good-faith doubt of majority status. Accordingly the Office of Contracting and Procurement will not be participating in negotiations for Compensation Units 1 and 2.

If you have any questions, please contact Mary E. Leary, Director, Office of Labor Relations and Collective Bargaining at 202-724-4953.

Sincerely,



Mary E. Leary, Attorney
Director
Office of Labor Relations and Collective Bargaining



Jacques Abadie III, CPCM
Interim Director
Office of Contracting and Procurement

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF LABOR RELATIONS
AND COLLECTIVE BARGAINING



EXECUTIVE OFFICE

October 18, 2000

Deborrah E. Jackson, President
AFGE Local 2741
P.O. Box 64026
Washington, DC 20029

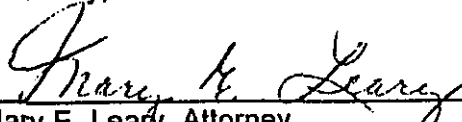
Dear Ms. Jackson:

While preparing for collective bargaining negotiations for Compensation Units 1 and 2, we have had the opportunity to review the situation at the Office Of Contracting and Procurement. The only conclusion, which can be drawn, is that not one of the various unions that claim to represent employees at Office of the Contracting and Procurement represent a majority of employees in any appropriate unit.

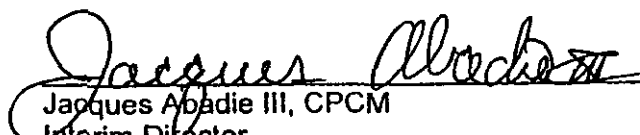
As a result, the District of Columbia hereby withdraws recognition and refuses to bargain with regard to any employees currently employed by the Office of Contracting and Procurement based on a good-faith doubt of majority status. Accordingly the Office of Contracting and Procurement will not be participating in negotiations for Compensation Units 1 and 2.

If you have any questions, please contact Mary E. Leary, Director, Office of Labor Relations and Collective Bargaining at 202-724-4953.

Sincerely,



Mary E. Leary, Attorney
Director
Office of Labor Relations and Collective Bargaining



Jacques Abadie III, CPCM
Interim Director
Office of Contracting and Procurement

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF LABOR RELATIONS
AND COLLECTIVE BARGAINING



EXECUTIVE OFFICE

October 18, 2000

Clara B. Webb, President
AFSCME Local 2921
1724 Kalorama Road, N.W.
2nd Floor
Washington, DC 20009

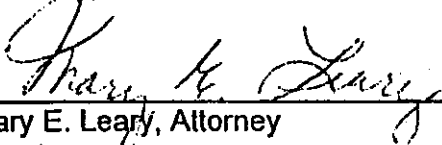
Dear Ms. Webb:

While preparing for collective bargaining negotiations for Compensation Units 1 and 2, we have had the opportunity to review the situation at the Office Of Contracting and Procurement. The only conclusion, which can be drawn, is that not one of the various unions that claim to represent employees at Office of the Contracting and Procurement represent a majority of employees in any appropriate unit.

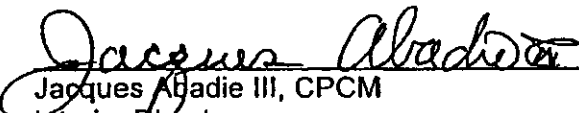
As a result, the District of Columbia hereby withdraws recognition and refuses to bargain with regard to any employees currently employed by the Office of Contracting and Procurement based on a good-faith doubt of majority status. Accordingly the Office of Contracting and Procurement will not be participating in negotiations for Compensation Units 1 and 2.

If you have any questions, please contact Mary E. Leary, Director, Office of Labor Relations and Collective Bargaining at 202-724-4953.

Sincerely,



Mary E. Leary, Attorney
Director
Office of Labor Relations and Collective Bargaining



Jacques Abadie III, CPCM
Interim Director
Office of Contracting and Procurement

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF LABOR RELATIONS
AND COLLECTIVE BARGAINING



EXECUTIVE OFFICE

October 18, 2000

Jerome Hackney, President
AFGE Local 1975
201 Florida Avenue, N.E.
Washington, DC 20002

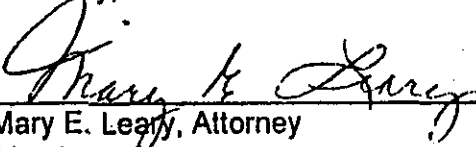
Dear Mr. Hackney:

While preparing for collective bargaining negotiations for Compensation Units 1 and 2, we have had the opportunity to review the situation at the Office Of Contracting and Procurement. The only conclusion, which can be drawn, is that not one of the various unions that claim to represent employees at Office of the Contracting and Procurement represent a majority of employees in any appropriate unit.


As a result, the District of Columbia hereby withdraws recognition and refuses to bargain with regard to any employees currently employed by the Office of Contracting and Procurement based on a good-faith doubt of majority status. Accordingly the Office of Contracting and Procurement will not be participating in negotiations for Compensation Units 1 and 2.

If you have any questions, please contact Mary E. Leary, Director, Office of Labor Relations and Collective Bargaining at 202-724-4953.

Sincerely,



Mary E. Leary, Attorney
Director
Office of Labor Relations and Collective Bargaining



Jacques Abadie III, CPCM
Interim Director
Office of Contracting and Procurement

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF LABOR RELATIONS
AND COLLECTIVE BARGAINING



EXECUTIVE OFFICE

October 18, 2000

John Walker, Acting President
AFGE Local 383
2146 H Street, N.E.
Washington, DC 20002

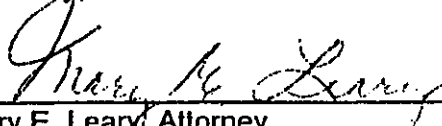
Dear Mr. Walker:

While preparing for collective bargaining negotiations for Compensation Units 1 and 2, we have had the opportunity to review the situation at the Office Of Contracting and Procurement. The only conclusion, which can be drawn, is that not one of the various unions that claim to represent employees at Office of the Contracting and Procurement represent a majority of employees in any appropriate unit.

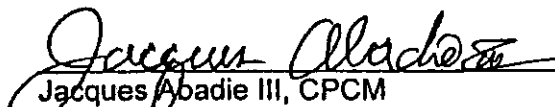
As a result, the District of Columbia hereby withdraws recognition and refuses to bargain with regard to any employees currently employed by the Office of Contracting and Procurement based on a good-faith doubt of majority status. Accordingly the Office of Contracting and Procurement will not be participating in negotiations for Compensation Units 1 and 2.

If you have any questions, please contact Mary E. Leary, Director, Office of Labor Relations and Collective Bargaining at 202-724-4953.

Sincerely,



Mary E. Leary, Attorney
Director
Office of Labor Relations and Collective Bargaining



Jacques Abadie III, CPCM
Interim Director
Office of Contracting and Procurement

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF LABOR RELATIONS
AND COLLECTIVE BARGAINING



EXECUTIVE OFFICE

October 18, 2000

Raymond Sneed, President
IAFF Local 36
2120 Bladensburg Road, N.E.
Suite 210
Washington, DC 20019

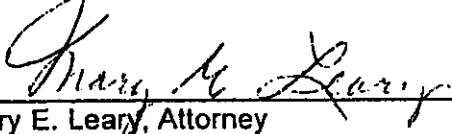
Dear Mr. Sneed:

While preparing for collective bargaining negotiations for Compensation Units 1 and 2, we have had the opportunity to review the situation at the Office Of Contracting and Procurement. The only conclusion, which can be drawn, is that not one of the various unions that claim to represent employees at Office of the Contracting and Procurement represent a majority of employees in any appropriate unit.

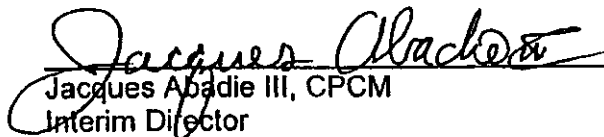
As a result, the District of Columbia hereby withdraws recognition and refuses to bargain with regard to any employees currently employed by the Office of Contracting and Procurement based on a good-faith doubt of majority status. Accordingly the Office of Contracting and Procurement will not be participating in negotiations for Compensation Units 1 and 2.

If you have any questions, please contact Mary E. Leary, Director, Office of Labor Relations and Collective Bargaining at 202-724-4953.

Sincerely,



Mary E. Leary, Attorney
Director
Office of Labor Relations and Collective Bargaining



Jacques Abadie III, CPCM
Interim Director
Office of Contracting and Procurement

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF LABOR RELATIONS
AND COLLECTIVE BARGAINING



EXECUTIVE OFFICE

October 18, 2000

Deborah Courtney, President
AFSCME Local 2401
1526 Fort Davis Place, S.E.
Washington, DC 20020

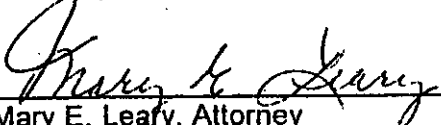
Dear Ms. Courtney:

While preparing for collective bargaining negotiations for Compensation Units 1 and 2, we have had the opportunity to review the situation at the Office Of Contracting and Procurement. The only conclusion, which can be drawn, is that not one of the various unions that claim to represent employees at Office of the Contracting and Procurement represent a majority of employees in any appropriate unit.

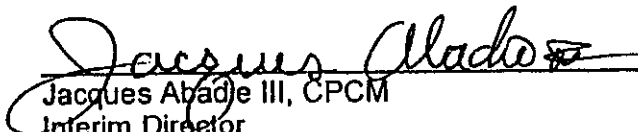
As a result, the District of Columbia hereby withdraws recognition and refuses to bargain with regard to any employees currently employed by the Office of Contracting and Procurement based on a good-faith doubt of majority status. Accordingly the Office of Contracting and Procurement will not be participating in negotiations for Compensation Units 1 and 2.

If you have any questions, please contact Mary E. Leary, Director, Office of Labor Relations and Collective Bargaining at 202-724-4953.

Sincerely,



Mary E. Leary, Attorney
Director
Office of Labor Relations and Collective Bargaining



Jacques Abadie III, CPCM
Interim Director
Office of Contracting and Procurement

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF LABOR RELATIONS
AND COLLECTIVE BARGAINING



EXECUTIVE OFFICE

October 18, 2000

Geo T. Johnson, Administrator
AFSCME District Council 20
1724 Kalorama Road, N.W.
2nd Floor
Washington, DC 20009

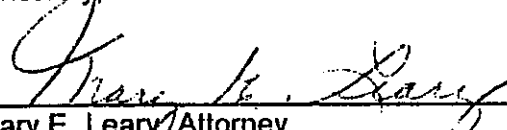
Dear Mr. Johnson:

While preparing for collective bargaining negotiations for Compensation Units 1 and 2, we have had the opportunity to review the situation at the Office Of Contracting and Procurement. The only conclusion, which can be drawn, is that not one of the various unions that claim to represent employees at Office of the Contracting and Procurement represent a majority of employees in any appropriate unit.

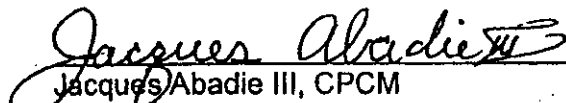
As a result, the District of Columbia hereby withdraws recognition and refuses to bargain with regard to any employees currently employed by the Office of Contracting and Procurement based on a good-faith doubt of majority status. Accordingly the Office of Contracting and Procurement will not be participating in negotiations for Compensation Units 1 and 2.

If you have any questions, please contact Mary E. Leary, Director, Office of Labor Relations and Collective Bargaining at 202-724-4953.

Sincerely,



Mary E. Leary Attorney
Director
Office of Labor Relations and Collective Bargaining



Jacques Abadie III, CPCM
Interim Director
Office of Contracting and Procurement

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF LABOR RELATIONS
AND COLLECTIVE BARGAINING



EXECUTIVE OFFICE

October 18, 2000

Barbara J. Milton, President
AFGE Local 631
P.O. Box 54585
Washington, DC 20032

Dear Ms. Milton:

While preparing for collective bargaining negotiations for Compensation Units 1 and 2, we have had the opportunity to review the situation at the Office Of Contracting and Procurement. The only conclusion, which can be drawn, is that not one of the various unions that claim to represent employees at Office of the Contracting and Procurement represent a majority of employees in any appropriate unit.

As a result, the District of Columbia hereby withdraws recognition and refuses to bargain with regard to any employees currently employed by the Office of Contracting and Procurement based on a good-faith doubt of majority status. Accordingly the Office of Contracting and Procurement will not be participating in negotiations for Compensation Units 1 and 2.

If you have any questions, please contact Mary E. Leary, Director, Office of Labor Relations and Collective Bargaining at 202-724-4953.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary E. Leary", is written over a horizontal line.

Mary E. Leary, Attorney
Director
Office of Labor Relations and Collective Bargaining

A handwritten signature in cursive script, appearing to read "Jacques Abadie III", is written over a horizontal line.

Jacques Abadie III, CPCU
Interim Director
Office of Contracting and Procurement

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF LABOR RELATIONS
AND COLLECTIVE BARGAINING



EXECUTIVE OFFICE

October 18, 2000

William Dupree, Chairperson
FOP/DOCLC
400 5th Street, N.W.
Suite 100
Washington, DC 20001

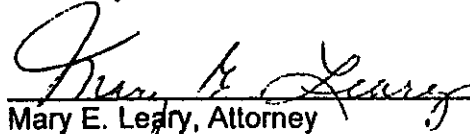
Dear Mr. Dupree:

While preparing for collective bargaining negotiations for Compensation Units 1 and 2, we have had the opportunity to review the situation at the Office Of Contracting and Procurement. The only conclusion, which can be drawn, is that not one of the various unions that claim to represent employees at Office of the Contracting and Procurement represent a majority of employees in any appropriate unit.

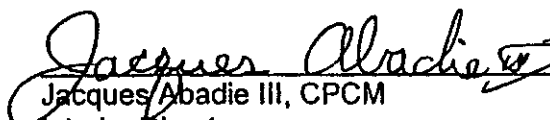
As a result, the District of Columbia hereby withdraws recognition and refuses to bargain with regard to any employees currently employed by the Office of Contracting and Procurement based on a good-faith doubt of majority status. Accordingly the Office of Contracting and Procurement will not be participating in negotiations for Compensation Units 1 and 2.

If you have any questions, please contact Mary E. Leary, Director, Office of Labor Relations and Collective Bargaining at 202-724-4953.

Sincerely,



Mary E. Leary, Attorney
Director
Office of Labor Relations and Collective Bargaining



Jacques Abadie III, CPCM
Interim Director
Office of Contracting and Procurement

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF LABOR RELATIONS
AND COLLECTIVE BARGAINING



EXECUTIVE OFFICE

October 18, 2000

James Seawright, President
AFGE Local 1000
500 C Street, N.W.
Suite 102-B
Washington, DC 20001


Dear Mr. Seawright:

While preparing for collective bargaining negotiations for Compensation Units 1 and 2, we have had the opportunity to review the situation at the Office Of Contracting and Procurement. The only conclusion, which can be drawn, is that not one of the various unions that claim to represent employees at Office of the Contracting and Procurement represent a majority of employees in any appropriate unit.

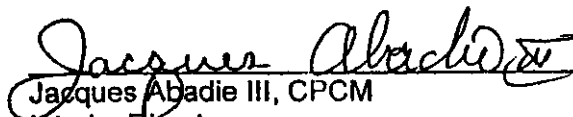
As a result, the District of Columbia hereby withdraws recognition and refuses to bargain with regard to any employees currently employed by the Office of Contracting and Procurement based on a good-faith doubt of majority status. Accordingly the Office of Contracting and Procurement will not be participating in negotiations for Compensation Units 1 and 2.

If you have any questions, please contact Mary E. Leary, Director, Office of Labor Relations and Collective Bargaining at 202-724-4953.

Sincerely,



Mary E. Leary, Attorney
Director
Office of Labor Relations and Collective Bargaining



Jacques Abadie III, CPCM
Interim Director
Office of Contracting and Procurement

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF LABOR RELATIONS
AND COLLECTIVE BARGAINING



EXECUTIVE OFFICE

October 18, 2000

Eric Bunn, President
AFGE Local 2725
P.O. Box 1740
Washington, DC 20013

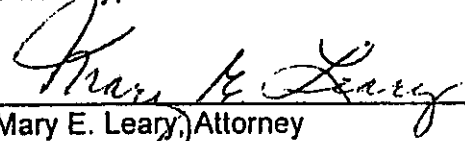
Dear Mr. Bunn:

While preparing for collective bargaining negotiations for Compensation Units 1 and 2, we have had the opportunity to review the situation at the Office Of Contracting and Procurement. The only conclusion, which can be drawn, is that not one of the various unions that claim to represent employees at Office of the Contracting and Procurement represent a majority of employees in any appropriate unit.

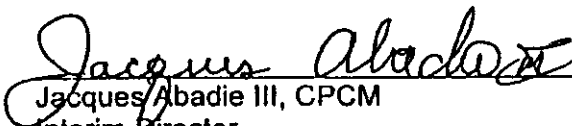
As a result, the District of Columbia hereby withdraws recognition and refuses to bargain with regard to any employees currently employed by the Office of Contracting and Procurement based on a good-faith doubt of majority status. Accordingly the Office of Contracting and Procurement will not be participating in negotiations for Compensation Units 1 and 2.

If you have any questions, please contact Mary E. Leary, Director, Office of Labor Relations and Collective Bargaining at 202-724-4953.

Sincerely,



Mary E. Leary, Attorney
Director
Office of Labor Relations and Collective Bargaining



Jacques Abadie III, CPCM
Interim Director
Office of Contracting and Procurement

ENROLLED ORIGINAL

AN ACT

12-249

*Codification
District of
Columbia
Code
1998 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 8, 1998

To amend the District of Columbia Procurement Practices Act of 1985 to clarify the procurement experience required of the Chief Procurement Officer, to require that the Chief Procurement Officer be provided with a list of personnel whose procurement functions fall under the authority of the Chief Procurement Officer, to require the transfer to the Office of Contracting and Procurement of all employees under its authority along with the assets and budget authority associated with those functions, and to clarify that the provisions of the act do not apply to the operations of the Health and Hospitals Public Benefit Corporation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Chief Procurement Officer Qualification Amendment Act of 1997".

Sec. 2. The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code § 1-1181.1 *et seq.*), is amended as follows:

(a) Section 105e(d) (D.C. Code § 1-1181.5e(d)) is amended to read as follows:

Section
1-1181.5e

"(d) The Chief Procurement Officer shall have not less than 7 years of senior-level experience in procurement and shall have demonstrated, through his or her knowledge and experience, the ability to administer a public procurement system of the size and complexity of the program established by this act."

(b) Section 207 (D.C. Code § 1-1182.7) is amended as follows:

Section
1-1182.7

(1) Subsection (a) is amended to read as follows:

"(a) Within 15 days of the effective date of the Chief Procurement Officer Qualification Amendment Act of 1997, all agencies, boards, commissions, and entities whose procurement functions fall under the authority of the CPO shall provide the CPO with a list of personnel who spend a majority of their time on procurement duties. The Director of Personnel shall review the lists to ensure that they include all the employees whose primary responsibility is to perform procurement duties."

ENROLLED ORIGINAL

(2) Subsection (b) is amended to read as follows:

"(b) Within 30 days of the effective date of the Chief Procurement Officer Qualification Amendment Act of 1997, employees listed as performing procurement duties in subsection (a) of this section shall be transferred to the OCP along with the assets and budget authority associated with those functions."

(c) Section 320 (D.C. Code § 1-1183.20) is amended by adding a new subsection (j) to read as follows:

"(j) Nothing in this act shall affect the operations of the District of Columbia Health and Hospitals Public Benefit Corporation pursuant to the Heath and Hospitals Public Benefit Corporation Act of 1996, effective April 19, 1997 (D.C. Law 11-212; D.C. Code § 32-261.1 *et seq.*)".

Section
1-1183.20
Note, Section
32-262.2

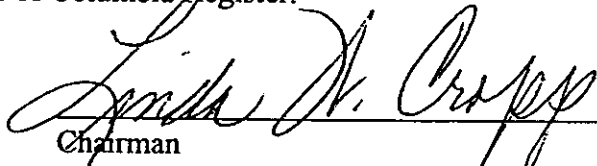
Sec. 3. Fiscal impact statement.

The fiscal impact of Bill 12-366 will be positive. The legislation supports the centralization of procurement functions under the Chief Procurement Officer, as recommended by the Procurement Task Force of the Committee on Government Operations, and by Pegasus/Langford, the consultants hired by the District of Columbia Financial Responsibility and Management Assistance Authority to advise the District on procurement policy and practices. Both the Procurement Task Force and Pegasus/Langford concluded that centralization saves money, improves the quality of procurement, and promotes accountability. In particular, centralization can yield significant cost reductions through bulk purchases of goods and services used by multiple agencies. Pegasus/Langford estimated that common purchases of goods and services, which is only one of the benefits of centralization, could save the District \$5.2 million annually. This projection is based on a conservative estimate of a 2 percent cost reduction in the District's annual spending of \$260 million for goods and services needed by multiple agencies.

Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule

ENROLLED ORIGINAL

Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia

DEEMED APPROVED WITHOUT SIGNATURE
UPON EXPIRATION OF THE 10-DAY MAYORAL
REVIEW PERIOD.

NOT SIGNED

Mayor
District of Columbia
January 8, 1998

Jan 18/98 signed
March 25/98 approved
Coyner and



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

Docket No.

B12-366

I | ITEM ON CONSENT CALENDAR

X1 ACTION & DATE

ADOPTED FIRST READING, 11-4-97

X1 VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED

ABSENT

DIXON, JARVIS AND THOMAS

I | ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Dixon					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Chavous					Patterson									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

I | ITEM ON CONSENT CALENDAR

X1 ACTION & DATE

ADOPTED FINAL READING, 12-16-97

X1 VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ALL PRESENT

I | ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote AB - Absent NV - Present not voting

CERTIFICATION RECORD

Secretary to the Council

Date

I | ITEM ON CONSENT CALENDAR

I | ACTION & DATE

I | VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

I | ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD



District Council 20 AFSCME

American Federation of State, County and Municipal Employees, AFL-CIO

1724 Kalorama Road, NW • Suite 200 • Washington, DC 20009 • (202) 234-6506 • Fax (202) 234-6531

December 27, 2001

Via Hand-Delivery

Mary E. Leary
Director
DC Office of Labor Relations
& Collective Bargaining
441 Fourth Street, N.W.
Suite 200 South
Washington, DC 20001

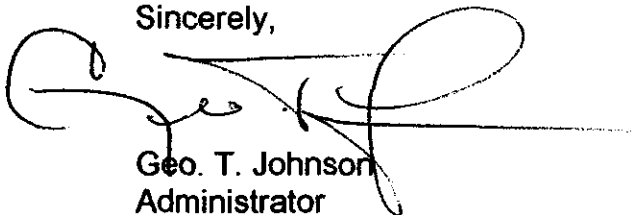
Re: Office of Contracts & Procurement

Dear Ms. Leary:

AFSCME Local 2401 has obtained the signatures of the majority of employees within the above cited agency. Accordingly, we are requesting wall-to-wall voluntary recognition of these employees pursuant to the CMPA.

Your prompt attention to this matter is greatly appreciated. Please feel free to contact the undersigned at (202) 234-6506 should you require additional information.

Sincerely,



Geo. T. Johnson
Administrator

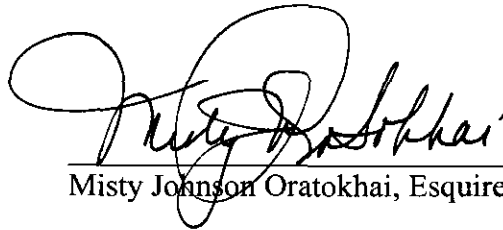
c: Deborah C. Courtney, President, AFSCME Local 2401

Attachment 3

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on 7 February 2002, a true and correct copy of the **Respondent's Answer** in PERB Case No. 02-U-07 was served via first class mail, postage prepaid and facsimile upon:

Barbara J. Milton
President, AFGE, Local 631
P.O. Box 54585
Washington, D.C. 20032
Telephone: (202) 236-0500
Fax: (202) 397-6402



Misty Johnson Oratokhai, Esquire

**Government of The District of Columbia
Public Employees Relations Board**

In the Matter of:

**American Federation of Government
Employees, Local 631**

Complainant,

vs.

**District of Columbia Office of Contracting
and Procurement**

Respondent,

PERB Case No.: 02-6-07

Filed: January 18, 2001

RECEIVED
JAN 19 2001
PERB
OFFICE OF THE
CHIEF OF STAFF

UNFAIR LABOR PRACTICE COMPLAINT

The Complainants, hereby file the following unfair labor practice complaint against the D.C. Office of Contracting and Procurement (herein referred to as "OCP"). The Complainants allege as follows:

1. **Complainant**, American Federation of Government Employees, AFL-CIO, Local 631 is a labor organization within the meaning of the CMPA. Local 631 maintains it's principle office at P.O. Box 54585, Washington, D.C. 20032. Phone number: 202-236-0500.
2. **Respondent**, D.C. Office of Contracting and Procurement maintains its principle office at 441 4th Street, N.W. Washington, D.C. 20032. OCP is an employer within the meaning of the CMPA and has the authority to negotiate and execute collective bargaining agreements with labor organizations concerning wages and other terms and conditions of employment. Jacque Abadie is the Chief Procurement Officer and his phone number is 202-724-4683.

STATEMENT OF COMPLAINT

3. The Complainant alleges that the Respondent illegally and unilaterally withdrew union recognition of employees represented by AFGE Local. The following seven (7) Department of Public Works employee/positions were withdrawn from union recognition.

Department of Public Works
Office of Administrative Services

<u>Name</u>	<u>Position Title</u>	<u>Grade</u>
Lucille Vest	Contract Specialist	DS -12
Calvin McFadden	Contract Specialist	DS-12
Joann Garnett	Purchasing Agent	DS-9
Naomi Johnson	Contract Specialist	DS-12
Betty Brooks	Contract Specialist	DS-11
Brenda Spriggs	Contract Specialist	DS-13
Wanda Brevard	Procurement Technician	DS-06

The Respondent changed the above union employees CBU code from BEZ to OAA and continued to deduct union dues under Local 631's field code of 0510. As of the date of this filing the Respondent continues to deduct union dues and the Complainant continues to receive union dues from the above employees. The Union is unaware of any union CBU code identified on the employees pay stub as OAA.

A true and correct copy of two pay stubs for Lucille Vest is hereto attached as ***Exhibit 1 and Exhibit 2.***

These acts violate the Complainant's rights guaranteed under the CMPA as described in D.C. Code 1-618.4 (a) (1),(2),(3) and (5).

Background Information:

4. On January 8, 1998, D.C. Act 12-249, the "Chief Procurement Officer Qualification Amendment Act of 1997" (Act). Came into effect. The Act mandated the transfer of all procurement employees from various agencies to the Office of Contracting and Procurement along with the assets and budget authority associated with those functions. This transfer involved approximately 58 employees represented by eight (8) different local unions. These employees were not physically transferred from their work locations.
5. On or about May 27, 1999, the Respondent filed a Petition for Unit Modification with the PERB in Case No. 99-UM-03. In this petition the Respondent sought to have all employees transferred to the OCP be removed from their current bargaining units. In addition, this petition sought to have these employees removed from Compensation Units 1 and 2. A true and correct copy of the agency petition filed in PERB Case No. 99-UM-03 is hereto attached as ***Exhibit 3.*** A true and correct copy of the notice of hearing in PERB Case No. 99-UM-03 is hereto attached.
6. On or about May 2000, the Petitioner (who is the Respondent in this matter) in PERB Case No. 99-UM-03 withdrew its petition for Unit Modification. The Unions considered this issue moot in light of the agency's withdrawal of the Unit Modification Petition.

Current Violation:

7. On or about November 2, 2001, employees listed in paragraph no. (4) of this complaint became aware that their CBU code had been changed from BEZ to OAA and that they were not going to receive the salary increase and bonus negotiated in Compensation Units 1 and 2. Although the employees listed in paragraph four (4) of this complaint CBU code was changed, union dues are still being payroll deduction by the Respondent. The Complainant is still receiving these employees union dues. The Respondent has violated the Complainant's rights guaranteed by the laws of the District of Columbia and constitutes an unfair labor practice in violation of D.C. Code Section 1-618.4 (a) (1)(2) (3) and (5) by unilaterally withdrawing recognition after withdrawing PERB Case No. 99-UM-03. In addition, by these acts the Respondent has failed to bargain with the exclusive representative in violation of D.C. Code Section 1-618.4 (a) (1) and (5).


REMEDY SORT

1. The Complainant seeks an order that the Respondent recognize the Complainant as the exclusive representative for employees listed in this complaint.
2. The Complainant seeks and order to the Respondent to bargain with the Complainant over employees listed in this complaint.
3. The Complainant seeks an order that the Respondent file the appropriate petition with PERB to

determine the status of employee transferred to the Office of Contracting and Procurement, prior to any attempts to unilaterally withdraw recognition.

4. The Complainant seeks an order to the Respondent to post a notice. The Complainant seeks an order to the Respondent to make the Complainant whole for any lost wages, raises, bonuses or benefits denied as a result of violating their rights guaranteed by the CMPA.
5. Complainant seeks an order that the Respondent pay the Complainant for any out of pocket expenses, including parking, use of leave and clerical expenses, i.e., copies, typing, etc. The Complainant seeks an award of reimbursement for reasonable out of pocket attorney fees.
6. Complainant seeks any other remedy that the Public Employees Relations Board deems appropriate.

Respectfully submitted,


Barbara J. Milton

1/18/02
Date:

EXHIBITS

**ATTACHMENTS TO THE FOREGOING
UNFAIR LABOR PRACTICE COMPLAINT**

In order of attachment

- | | |
|-----------|---|
| Exhibit 1 | Pay Stub for Lucille Vest for the pay period ending 7/14/01 |
| Exhibit 2 | Pay Stub for Lucille Vest for the pay period ending 10/20/01 |
| Exhibit 3 | Petition for Unit Modification in PERB Case No. 99-UM-03 |
| Exhibit 4 | Notice of Unit Modification Hearing in PERB Case No. 99-UM-03 |

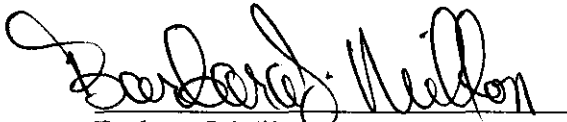
Certificate of Service

I, hereby certify that a true and correct copy of the foregoing Unfair Labor Practice Complaint was hand delivered and mailed U.S. regular mail, postage prepaid on January 18, 2002 to the following:

Jacque Abadie, Chief Procurement Officer
Office of Contract and Procurement
441 4th Street N.W., Suite 800
Washington, D.C. 2001

And

Mary Leary, Director
Office of Labor Relations
and Collective Bargaining
441 4th Street N.W. 2nd Floor
Washington, D.C. 2001


Barbara J. Milton Date: 1/18/02

4

EFFECTIVE 9/1/01, YOU WILL NEED AN APPOINTMENT TO SEE AN OPRS RETIREMENT EXAMINER. PLEASE CALL 202-727-5851 TO SCHEDULE AN APPOINTMENT. BE SMART ABOUT ELECTRIC CHOICE. CALL OPC AT 727-3071. SHOP IN DC, AUGUST 3-12 - CLOTHES, SHOES AND SCHOOL SUPPLIES TAX FREE.

IRS REQUIRES CORRECT SOCIAL SECURITY NUMBER AND EMPLOYEE NAME ON ALL W-2S.
PLEASE CHECK YOUR EARNINGS STATEMENT AND CORRECT YOUR HOME ADDRESS TO ENSURE
TIMELY DELIVERY OF YOUR W-2. NOTICE: YOUR 2000 W2 WILL BE MAILED TO THE ADDRESS
LISTED ON YOUR EARNINGS STATEMENT. UNDELIVERABLE W-2S WILL BE RETURNED TO YOUR AGENT/
PAYROLL REPRESENTATIVE.

Exhibit 2

4,434 DC GOVERNMENT EARNINGS STATEMENT - PAY PERIOD 22 ENDING DATE 10-20-01

GP ORGANIZATION CODE	LUCILLE B VEST	FLSA	EXEMPT SVC CR	GR/ST	SALARY	TOI
02 30-251-200	100R0220001100APPRO000000000000	PS		OAA A01	12/06	55362.00 80.
JOB CLASS	DS 01102	WASHINGTON		DC 20019-4716		018345
CONTRACT SPECIALIST						
PUBLIC MANAGEMENT CONTRACT OPER						
REGULAR	OVERTIME	NIGHT	SUNDAY	HOLIDAY	LONG	FURLONGH
80.00						
PAY	2129.60					
TERM LV	SEC ADWARD	ADM PREMIUM	RET AMT	ANNUAL CR	LEVY CR	
						NET BANK
PAY			1341.09			1341.09
FED TAX	M01	ST DC	TSA	IN-DEPT	MAINT/SUB	LI ADDL 100
259.80						NO
LEVY	152.90	POS		NON-DISS	LI MULTIPLE	YES
					FE CSR (7%)	8.40
DC ONE FUND	ALLOT 1	BONES			LI FAMILY	YES
	FEE .50				FE 1011	149.07
ORG LIVES	0510	ALLOT 3	GROSS CUTEACK	OFF AMT	FE 1011	8.99
14.05	FREE			FE 1011	FE E32	65.40
	100.00	DEFER CONF	OUTSIDE SERVICE	FE 1011	FE E32	65.40
				FE 1011	FE E32	65.40
MISC1	MISC2	MISC3	ALLOT 4	ALLOT 5		
MISC 4	MISC 5	MISC 6				
GROSS	FED TAX	RETIRE CSR	POLICE/PIRS	TECHNRS	FLEX DEP	DC RETIRE
48183.25	5887.70	3318.68				
DC TAX	NO TAX	VA TAX	TSA	FLEX HLTH	URCOLL	COLLECT YTD
3569.00						HEALTH BENEFIT
TAXED TERM	COE	EIC	DEFER CONF	VICA	MEDICARE	TRAA/CRIF
						1308.00
FLSA CONF						
LEAVE	USED THIS PP	PR YR BAL	YTD ACCE	YTD USED	BALANCE	AL CAT
ANNUAL		258.0	80.0	178.0	280.0	8
NON-PD		240.0	160.0	122.0	278.0	
NON-PD						86.0
FLSA CONF						
LEAVE CONF DATE	02-08-71	02-08-71				
LEAVE CONF DATE	10-08-00	02-08-71				
LEAVE CONF DATE		06-19-81				

COMMIT TO QUIT SMOKING FOR ONE DAY. CELEBRATE THE GREAT AMERICAN SMOKEOUT ON THURSDAY, NOVEMBER 15TH. FOR INFORMATION ON QUIT SMOKING CLASSES AND MATERIALS, CALL THE DEPARTMENT OF HEALTH, TOBACCO CONTROL PROGRAM ON 442-5433.

IRS REQUIRES CORRECT SOCIAL SECURITY NUMBER AND EMPLOYEE NAME ON ALL W-2S. PLEASE CHECK YOUR EARNINGS STATEMENT AND CORRECT YOUR HOME ADDRESS TO ENSURE TIMELY DELIVERY OF YOUR W-2. NOTICE: YOUR 2001 W2 WILL BE MAILED TO THE ADDRESS LISTED ON YOUR EARNINGS STATEMENT. UNDELIVERABLE W-2S WILL BE RETURNED TO YOUR AGENCY PAYROLL REPRESENTATIVE.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

IN THE MATTER OF:

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF CONTRACTING AND
PROCUREMENT

PETITIONER

v.

ALL UNIONS REPRESENTING
EMPLOYEES THAT WERE TRANSFERRED
TO THE OFFICE OF CONTRACTING AND
PROCUREMENT IN ACCORDANCE
WITH D.C. ACT 12-249

RESPONDENTS

Exhibit 3

PERB Case No.:

PETITION FOR UNIT MODIFICATION

Pursuant to Public Employee Relations Board Rule section 504.1(a), the District of Columbia Office of Labor Relations and Collective Bargaining (OLRCB) on behalf of District of Columbia Office of Contracting and Procurement (OCP) files the following petition to modify certified units.

1. Pursuant to PERB Rule Section 504.2(a), the Petitioner provides the following information:

A. Name and Address of all Labor Organizations Affected by the Proposed Change

1. Gwen Jones, President
American Federation of State, County and
Municipal Employees Local 2401
815 15th Street, N.W.
Washington, D.C. 20005
2. Barbara Milton, President
American Federation of Government Employees
Local 631
P.O. Box Local 631
Washington, D.C. 20032
3. Eric Bunn, President
American Federation of Government Employees
Local 2725
P.O. Box 1740
Washington, D. C. 20013
4. James Seawright, President
American Federation of Government Employees
Local 1000
500 C Street, N.W.
Suite 102-B
Washington, D.C. 20001
5. Deborrah E. Jackson, President
American Federation of Government Employees
Local 2741
P.O. Box 64026
Washington, D.C. 20029
6. Jerry Hackney, President
American Federation of Government Employees
Local 1975
201 Florida Avenue, N.E.
Washington, D.C. 20002

7. Chairperson
Fraternal Order of Police/Department
of Corrections Labor Committee
715 8th Street, S.E.
Washington, D.C. 20003
8. Mary Harris, President
National Association of Government Employees
Local R3-05
2011 Crystal Drive
Arlington, VA 22202

B. Name and Address of Agencies Affected by the Proposed Modification

1. Jearline F. Williams, Director
Department of Human Services
2700 Martin Luther King Jr. Avenue S.E.
801 East Building
Washington, D.C. 20032
2. Arthur V. Lawson, Acting Director
Department of Public Works
2000 14th Street, N.W.
Washington, D.C. 20009
3. Odie Washington, Director
Department of Corrections
1923 Vermont Avenue, N.W.
Washington, D.C. 20001
4. Gregory P. Irish, Director
Department of Employment Services
500 C Street, N.W.
Washington, D.C. 20001
5. Charles H. Ramsey, Chief of Police
Metropolitan Police Department
300 Indiana Avenue, N.W.
Washington, D.C. 20001

6. Richard Monteilh, Director
Department of Housing and
Community Development
51 N Street, N.E.
Washington, D.C. 20002
7. Betty Jo Gaines, Director
Department of Recreation and Parks
3149 16th Street, N.W.
Washington, D.C. 20010
8. Richard P. Fite, Chief Procurement Officer
Office Contracting and Procurement
441 4th Street, N.W., Suite 800
Washington, D.C. 20001

2. Pursuant to PERB Rule Section 504.2(b), the Petitioner
provides the following information:

Description of the Existing Units

- a. Department of Human Services:

AFSCME Local 2401

All professional and non-professional employees
[employed by the Department of Human Services] in the
Office of Contracts, Grants and Procurement; excluding
internal affairs employees, management, supervisors,
confidential employees, employees engaged in personnel
work in other than purely clerical capacities and
employees engaged in administering the provisions of
Title XVII of the District of Columbia Government
Comprehensive Merit personnel Act of 1978 D.C. Law 2-
139. (PERB Case No. 95-RC-14, Opinion No. 87).

Number of Employees Affected

<u>Positions Titles</u>	<u>Numbers of Employees</u>	<u>Compensation Unit</u>	<u>CBU Code</u>
Contract Specialist (DS)	10	1	AAE
Procurement Analyst (DS)	3	1	AAE
Procurement Clerk (DS)	1	1	AAE
Clerical Assistant (DS)	2	1	AAE
Administrative Assistant (DS)	1	1	AAE
Supervisor Procurement Analyst (DS)	1	1	AAE
Motor Vehicle Operator (WG)	1	2	AAE
Staff Assistant (DS)	1	1	AAE
Office Clerk Typing (DS)	1	1	AAE
Computer Specialist (DS)	1	1	AAE
<u>Total number of Employees:</u>	22		

b. Department of Public Works:

AFGE Local 631

All employees of the Mobile Equipment Management Division Office of Executive Management, Department of Environmental Services, excluding shop and office employees assigned to the Mt. Olivet Shops, Management executives, confidential employees, supervisors, or any employee engaged in personnel work in other than a purely clerical capacity. [Board of Labor Relations Case No. 5R003]

Number of Employees Affected

<u>Positions Titles</u>	<u>Numbers of Employees</u>	<u>Compensation Unit</u>	<u>CBU Code</u>
Purchasing Agent (DS)	1	1	BEC
<u>Total Number of Employees:</u>	1		

AFGE Local 631

All non-professional employees of the Department of Public Works, Office of Management Services, Contract Support Division; excluding all management officials, confidential employees, supervisors, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139. [PERB Case No. 95-RC-01 Certification No. 79]

Number of Employees Affected

<u>Positions Titles</u>	<u>Numbers of Employees</u>	<u>Compensation Unit</u>	<u>CBU Code</u>
Contract Specialist (DS)	12	1	BEH
Procurement Technician (DS)	2	1	BEH
<u>Total Number of Employees:</u>	14		

AFGE Local 1975

Wage grade employees granted recognition on June 2, 1967, in the Department of Highways and Traffic including the Bureau of Construction and Maintenance; Design, Engineering and Operation; Research; and Traffic Engineering and Operations; and now the same bureaus of the Department of Transportation. [Board of Labor Relations - The Unit was certified on June 2, 1967 (See attached letter dated June 19, 1967). However, the Certification could not be found at PERB or OLRCB]

Number of Employees Affected

<u>Positions Titles</u>	<u>Numbers of Employees</u>	<u>Compensation Unit</u>	<u>CBU Code</u>
Motor Vehicle Operator (WG)	1	2	BNB
<u>Total Number of Employees:</u>	1		

c. Department of Corrections

Fraternal Order of Police/Department of Corrections
Labor Committee

All employees of the D.C. Department of Corrections excluding managerial employees, confidential employees, supervisors, temporary employees, physicians, dentists and podiatrists, institutional residents (inmates) employed by the Department, or any employee employed in personnel work in other than a purely clerical capacity and employees engaged in administering provisions Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978. [PERB Case No. 93-R-04 Certification No. 73]

Number of Employees Affected

<u>Positions Titles</u>	<u>Numbers of Employees</u>	<u>Compensation Unit</u>	<u>CBU Code</u>
Contract Specialist (DS)	4	1	BGA
Secretary (DS)	1	1	BGA
<u>Total Number of Employees:</u>	5		

d. Department of Recreation and Parks

AFGE Local 2741

All employees in the Department of Recreation and Parks [Board of Labor Relations Case -The Certification for this unit was not found at PERB or OLRCB. However, the unit was certified October 18, 1967. (See attached Clarification Petition 6R005, page 2.)]

Number of Employees Affected

<u>Positions Titles</u>	<u>Numbers of Employees</u>	<u>Compensation Unit</u>	<u>CBU Code</u>
Purchasing Agent (DS)	1	1	BHA
Procurement Specialist (DS)	1	1	BHA
<u>Total Number of Employees:</u>	2		

e. Department of Housing and Community Development

AFGE Local 2725

All employees of the Department of Housing and Community Development, excluding the security force, management officials, confidential employees, supervisors, any employee engaged in personnel work in other than a purely clerical capacity or employees engaged in administering the provisions of D.C. Law 2-139. [Board of Labor Relations Case No. 8R013 as amended April 14, 1988 in PERB Case No. 88-R-05]

Number of Employees Affected

<u>Positions Titles</u>	<u>Numbers of Employees</u>	<u>Compensation Unit</u>	<u>CBU Code</u>
Contract Specialist (DS)	1	1	BIB
Procurement Assistant (DS)	1	1	BIB
Secretary (Typing) (DS)	1	1	BIB
<u>Total Number of Employees:</u>	3		

f. Department of Employment Services

AFGE Local 1000

All non-professional employees of the Department of Employment Services except for all employees in the Office of the Director and the Office of Compliance and Independent Monitoring. Further, all employees, except those in purely clerical capacities, of the Office of Budget and Finance and the Office of Equal Employment Opportunity are excluded from the Unit. CETA employees are excluded from the appropriate bargaining unit for purposes of voting. Additionally, all other management officials or supervisory personnel, employees engaged in personnel work in other than purely clerical capacities, and employees engaged in administering the provisions of Chapter 25(A) of the District of Columbia Personnel Manual or Title 17 of the District of Columbia Comprehensive Merit Personnel Act of 1978, are excluded from the unit. [PERB Case No. 0R006 Certification No.9]

Number of Employees Affected

<u>Positions Titles</u>	<u>Numbers of Employees</u>	<u>Compensation Unit</u>	<u>CBU Code</u>
Staff Assistant (vacant) (DS)	1	1	BOA
Contract Specialist (DS)	2	1	BOA
Procurement Technician (DS)	1	1	BOA
Contract Price/Cost Analyst (Vacant) (DS)	1	1	BOA
<u>Total Number of Employees:</u>	5		

g. Metropolitan Police Department

National Association of Government Employees
(NAGE) R3-05

All non-professional employees of the Metropolitan Police Department excluding wage grade employees of the Property Division and the Fleet Management Division, management executive, confidential employees, supervisors or any employee engaged in personnel work in other than a purely clerical capacity. [Board of Labor Relations Case No. 0R002]

Number of Employees Affected

<u>Positions Titles</u>	<u>Numbers of Employees</u>	<u>Compensation Unit</u>	<u>CBU Code</u>
Procurement Technician (DS)	1	1	FAA
Contract Specialist (DS)	4	1	FAA
<u>Total Number of Employees:</u>	5		

TOTAL NUMBER OF EMPLOYEES AFFECTED BY THE TRANSFER = 58

3. Pursuant to PERB Rule Section 504.2(c), the Petitioner provides the following as the date of recognition or certification of labor organizations for above-captioned units:

a. AFSCME Local 2401

- PERB Case No. 95-RC-14, Opinion No. 87 (October 6, 1995)

b. AFGE Local 631

- Board of Labor Relations Case No. 5R003 (July 16, 1976)
- PERB Case No. 95-RC-01 Certification No. 79 (May 26, 1995)

c. AFGE Local 1975

- Board of Labor Relations - The Unit was certified on June 2, 1967 (See attached letter dated June 19, 1967). However, the Certification could not be found at PERB or OLRCB]

d. Fraternal Order of Police/Department of Corrections Labor Committee

- PERB Case No. 93-R-04 Certification No. 73 (January 12, 1994)

e. AFGE Local 2741

- Board of Labor Relations - The Certification for this unit was not found at PERB or OLRCB. However, the unit was certified October 18, 1967. (See attached Clarification Petition 6R005, page 2.)

f. AFGE Local 2725

- Board of Labor Relations Case No. 88-R-05, BLR Certification 8R013(as Amended April 14, 1988)

g. AFGE Local 1000

- PERB Case No.0R006 Certification No. 9(December 15,1981)

h. NAGE R3-05

- Board of Labor Relations Case No.0R002(December 14, 1979)

4. Pursuant to PERB Rules Section 504.2(d), Petitioner includes with this Petition copies of any and all documentation evidencing recognition or certification, attached hereto as Attachment 1.

5. All of the employees affected by this Petition are currently covered by a collective bargaining agreement.

6. Pursuant to PERB Rules Section 504.2(e), Petitioner states the following:

Statement of Reasons for Proposed Modification

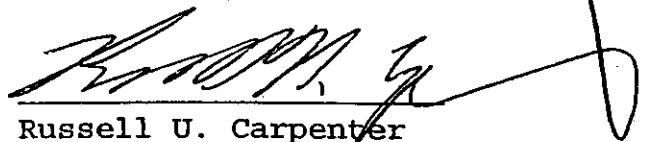
A. Statutory Change in Agencies' Authority

1. On January 8, 1998, D.C. Act 12-249, the "Chief Procurement Officer Qualification Amendment Act of 1997" (Act), came into effect(See Attachment 2). Subsequent to the passage of the Act, OCP requested that all Agencies identify those employees

within their agencies whose major functions were procurement and contracting. The Act also mandated the transfer of all procurement employees from various agencies to the Office of Contracting and Procurement along with the assets and budget authority associated with those functions. Thus, this transfer removed all of these employees from the certified bargaining units within the agencies that they were originally employed. More importantly, these employees now fall outside of their bargaining units. Petitioner, therefore, requests that all employees that have been transferred to the OCP be removed from their present bargaining units.

2. The Petitioner further request that these employees also be removed from Compensation Units 1 and 2 since they will no longer be represented by any of the Unions in Compensation Units 1 and 2.

Respectfully Submitted,



Russell U. Carpenter
Labor Relations Officer
D.C. Office of Labor Relations
and Collective Bargaining
441 4th Street N.W.
Suite 200
Washington, D.C. 20001
(202) 724-4953

Dated: 5/27/99

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the Employer's Petition for Unit Modification was served via U.S. Mail, first class, postage prepaid, this 27th Day of May, 1999, to the following:

1. Gwen Jones, President
AFSCME Local 2401
815 15th Street, N.W.
Washington, D.C. 20005
2. Barbara Milton, President
AFGE Local 631
P.O. Box Local 631
Washington, D.C. 20032
3. Eric Bunn, President
AFGE Local 2725
P.O. Box 1740
Washington, D. C. 20013
4. James Seawright, President
AFGE Local 1000
500 C Street, N.W.
Suite 102-B
Washington, D.C. 20001
5. Deborrah E. Jackson, President
AFGE Local 2741
P.O. Box 64026
Washington, D.C. 20029
6. Jerry Hackney, President
AFGE Local 1975
201 Florida Avenue, N.E.
Washington, D.C. 20002
7. Chairperson
FOP/DOC Labor Committee
715 8th Street, S.E.
Washington, D.C. 20003

8. Mary Harris, President
NAGE Local R3-05
2011 Crystal Drive
Arlington, VA 22202
9. Jearline F. Williams, Director
Department of Human Services
2700 Martin Luther King Jr.
Avenue S.E.
801 East Building
Washington, D.C. 20032
10. Arthur V. Lawson, Acting Director
Department of Public Works
2000 14th Street, N.W.
Washington, D.C. 20009
11. Odie Washington, Director
Department of Corrections
1923 Vermont Avenue, N.W.
Washington, D.C. 20001
12. Gregory P. Irish, Director
Department of Employment Services
500 C Street, N.W.
Washington, D.C. 20001
13. Charles H. Ramsey, Chief of Police
Metropolitan Police Department
300 Indiana Avenue, N.W.
Washington, D.C. 20001
14. Richard Monteilh, Director
Department of Housing and
Community Development
51 N Street, N.E.
Washington, D.C. 20002
15. Betty Jo Gaines, Director
Department of Recreation and Parks
3149 16th Street, N.W.
Washington, D.C. 20010

16. Richard P. Fite
Chief Procurement Officer
Office of Contracting and Procurement
441 4th Street, N.W., Suite 800
Washington, D.C. 20001


Russell U. Carpenter



.

.

.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD**

In the Matter of:

District of Columbia
Office of Contracting and
Procurement

Petitioner,

v.

American Federation of Government
Employees Locals 631, 1000, 1975,
2725 and 241

and

American Federation of State, County
and Municipal Employees, Local 2401

and

National Association of Government
Employees, Local R3-05;

and

Fraternal Order of Police/DOC Labor
Committee

Respondents.

Exhibit 4

PERB Case No. 99-UM-03

NOTICE OF UNIT MODIFICATION HEARING

The District of Columbia Office of Contracting and Procurement, having duly filed an Unit Modification Petition with the District of Columbia Public Employee Relations Board (Board) and the Board having completed its own preliminary investigation pursuant to Sections 502(c) and (g) of the District of Columbia Merit Personnel Act of 1978 (CMPA), D.C. Code § 1-605.2(3) and Board Rules 504.5 and 504.6,

YOU ARE HEREBY NOTIFIED that a Hearing will be conducted by a Hearing Examiner to afford all interested parties an opportunity to appear in person to present

documentary evidence and give testimony on **May 3, 2000, at 10:00 a.m.**, at 717 14th Street, N.W., 11th Floor, Washington, D.C. in the Hearing and Conference Room.

Be advised that this is an investigatory and not an adversary proceeding. The purpose of this hearing is to develop a full and factual record upon which the Board can make a decision. Your compliance with these procedures is not only desirable, but also required.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.
March 31, 2000


Julio A. Castillo
Executive Director

CERTIFICATE OF SERVICE

This is to certify that the attached Notice of Unit Modification Hearing was hand-delivered and/or mailed (U.S. mail) to the following parties on this the 31st day of March, 2000:

Tina L. A. Curtis
Labor Relations Officer
D.C. Office of Labor Relations and
Collective Bargaining
441 4th Street, N. W., Suite 200
Washington, D.C. 20001

Barbara Milton, President
AFGE Local 631
620 54th Street, N. E.
Washington, D.C. 20019

James Seawright, President
AFGE Local 1000
500 C Street, N. W., Suite 102-B
Washington, D.C. 20001

Jerry Hackney, President
AFGE Local 1975
201 Florida Avenue, N. E.
Washington, D.C. 20002

Melinda K. Holmes, Esq.
O'Donnell, Schwartz & Anderson
1300 L Street, N. W., Suite 1200
Washington, D.C. 20005


Eric Bunn, President
AFGE Local 2725
P.O. Box 1749
Washington, D.C. 20013

Deborah Jackson, President
AFGE Local 2741
P. O. Box 64026
Washington, D.C. 20029

Debra Courtney, President
AFSCME Local 2401
815 15th Street, N. W.
Washington, D.C. 20005

Mary Harris, President
NAGE Local R3-05
2011 Crystal Drive
Arlington, VA 22202

Arthur Fox, Esq.
Lobel, Novins & Lamont
1275 K Street, N. W., Suite 770
Washington, D.C. 20005


Yvonne P. Waller
Administrative Officer